

Supreme Court, U. S.  
FILED

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MICHAEL RODAK, JR., CLERK

In The  
**Supreme Court of the United States**

October Term, 1974

No. 75-8551

FRANCES HILLIARD BROWN,

*Petitioner,*

*versus*

THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS, et al.,

*Respondents.*

*Motion for Leave to File Application for Writ of Mandamus  
and Petition for Writ of Mandamus*

FRANCES HILLIARD BROWN,  
*Petitioning in her own behalf,*  
3248 Chapel Creek, #108,  
Dallas, Texas 75220.

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In The  
**Supreme Court of the United States**

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No. ....

FRANCES HILLIARD BROWN,

*Petitioner,*

*versus*

THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS, et al.,

*Respondents.*

**MOTION**

For Leave to File Petition for Writ of Mandamus

The petitioner moves the court for leave to file the petition for writ of mandamus, hereto annex, and further moves that an order and rule be entered and issued directing the United States District Court for the Northern District of Texas and particularly the Honorable Eldon B. Mahon, District Judge of said District to show cause why a writ of mandamus should not be issued against such District Court, in accordance with the prayer of said petition, and why the petitioner should not have such other and further relief in the premises that may be just and meet.

FRANCES HILLIARD BROWN,  
*Petitioning in her own behalf,*  
3248 Chapel Creek, #108,  
Dallas, Texas 75220.

### **Jurisdiction**

The jurisdiction of the Federal Courts in the three separate actions which comprise this case is based on violations of the First, Fourth and Thirteenth Amendments to the United States Constitution. These violations occurring because of the implantation of electronic devices within the person of the plaintiff. In addition to the Constitutional Amendments cited, the implantation of said devices violates Title III — Section 2511 of the Omnibus Crime Control and Safe Streets Act of 1968, Title 42 Section 1983 U.S.C., Title 47 U.S.C. which covers regulations governing common carriers engaged in wire or radio communications (In particular see 605 and 207 thereof). The complaints also meet the \$10,000 amount in controversy requirement of the Federal Courts. Pertinent part of the aforementioned statutes are set forth in Appendix A-2 and A-3 hereto.

Judge Mahon points out in his orders of dismissal that Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and the common carrier regulations of Title 47 "creates only criminal liability for violations of the Act, and in no way gives rise to a civil cause of action." In as much as the District Courts handle both criminal and civil actions, this should not have precluded the handling of the Case in the District Court. To further reinforce the jurisdiction of the Federal Courts in this manner — the definitions listed in Section 2510 of the Omnibus Crime Control and Safe Streets Act plainly state that "oral communication" means *any oral communication* and that "person" means *any individual* which certainly includes the defendants and the plaintiff in this case.

The very judicial procedure which brings this application to

the Supreme Court 28 U.S.C. — Section 1651 (a) gives as one of the cross references in U.S.C.A. Federal Communications Acts and orders of Commission, enforcement of .....

In The  
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October Term, 1974

No. ....

FRANCES HILLIARD BROWN,

*Petitioner,*

*versus*

THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS, et al.,

*Respondents.*

**PETITION**

For a Writ of Mandamus to the United States District Court for the Northern District of Texas, and Particularly to the Honorable Eldon B. Mahon, District Judge of said District Court.

**Statement of the Case**

Petitioner, Frances Hilliard Brown, prays that a writ of mandamus issue to the United States District Court for the Northern District of Texas and particularly to the Honorable Eldon B. Mahon, District Judge of said District, directing the aforesaid Judge and the United States District Court to vacate the following:

1. Order of Dismissal entered November 19, 1975 on Petitioner's Motion for a rehearing on the basis of fraud and new

evidence in the action against Baylor University Medical Center at Dallas, Baylor College of Medicine-Neurological Research Division in Houston and Scott & White Clinic and Dr. R. K. Gaines at Temple, Texas (Dallas Civil Action No. CA 3-74-115-E). This Order encompassed a request for an injunction and vacated a complaint which had been filed but not served against I.T.&T.-World Communications Division.

2. Order of Dismissal entered November 21, 1975 in a Civil Action against Dr. J. E. Myers (CA 4-75-205) This Order also encompassed and vacated a complaint which had been filed but not served against I.T.&T.
3. Order of Dismissal entered November 21, 1975 in a civil action against Dr. J. Hobson Crook (CA 4-75-204) This Order also encompassed and vacated a complaint which had been filed but not served against I. T. & T.

The foregoing Orders of Dismissal are printed in Appendix A-5-A-11 hereto, Motion to join I.T.&T. as a necessary party with attached complaint in the actions against Dr. Myers and Dr. Crook and against Baylor, et al., is printed in Appendix A-23-A-31. The request for an injunction is printed in Appendix A-28.

**Relief not available in any other Court**

**Reasons for filing in the Federal Court**

- (a) the radius of the electronic network emanating from the devices implanted within the person of the petitioner is capable of covering every state in the Union and overseas, thus making it a crime which should be handled by the Federal Courts.
- (b) In addition, the petitioner has been seeking injunctive relief and as the State of Texas does not have "A Right to Privacy Act," this would make any injunction issuing from a State Court difficult of enforcement.

**State Statute of Limitations**

With the exception of the complaint against I. T. & T. which was filed within the one year federal statute of limitation governing common carriers, all of the com-



plaints have been filed after the two year State limitation period had run, but within the three year federal limitation period.

**Reason for Using the Supreme Court instead of the Court of Appeals in making application for a Writ of Mandamus**

On September 11, 1975, the petitioner attempted to file a Motion in the Court of Appeals to stay the running of the one year statute of limitation on I. T. & T. in the event the case of Brown v. Baylor, et al, was resubmitted on Appeal.

This motion was filed under Fifth Circuit local rule 10 (1) governing motions which reads as follows:

"(a) Clerk may rule on certain motions — for filing briefs, appendices, answers, objections, or replies to pending motions, provided such cases are not yet assigned or under submission."

The petitioner received a reply from Richard E. Windhorst Jr., Chief of the Judicial Support Division that the Court could not accept the Motion in connection with a closed case. Motion and letter of reply printed in Appendix A-12.

From this the petitioner assumed the Fifth Circuit would be extremely reluctant to reopen the case and for that reason and because the Statute of Limitations might be a factor in defeating an appeal of the Complaint against I. T. & T. the petitioner is applying to the Supreme Court for a Writ of Mandamus in that the case might be heard on its merits. Time and expense is also an important factor to the Petitioner.

The petitioner wishes to state here before listing a brief history of the case that she is not an attorney and therefore is not schooled in the legal niceties of filing motions, pleadings, briefs, etc. What knowledge she has gleaned, has come from reading in the law libraries. Also she is *not* under *any* govern-

ment program, but is an independent private citizen having supported herself since the age of twenty-one and currently derives her income from the sale of a Nebraska Farm. Much precious time was wasted by the petitioner in unsuccessfully trying to find an Attorney who would handle the case.

**HISTORY OF THE CASE IN THE COURTS BELOW**  
**Brief History of Brown v. Baylor, et al., in the District Court**

In February of 1974 the petitioner filed a complaint against Baylor University Medical Center at Dallas, Baylor School of Medicine-Neurological Research Division at Houston and Scott & White Clinic and Psychiatrist R. K. Gaines at Temple, Texas alleging that at all three of the institutions electronic devices have been placed in her person. Furthermore that this was done without her consent or knowledge and that said devices enabled her thought processes and speech to be monitored and to a certain extent her actions controlled by the defendants and others who have the technical knowhow to do so. The complaint was filed in a simple attempt to achieve the following:

- (a) to escape from the continual harassment both of an electronic and physical nature.
- (b) to stop the continuing invasion of privacy electronically as well as by persons unknown gaining access to her home at night.
- (c) to assess whatever damages might be equitable.
- (d) by means of depositions to gain knowledge and expose facts which would permit medical or injunctive relief.

On May 28, 1974 the petitioner filed written interrogatories to be asked of the Department of Health, Education and Welfare, — Channel 4 Television Station in Dallas, — and

A. T. & T. The interrogatories were filed to gain information and not in any attempt to affix blame. On May 28, 1974 Judge Mahon dismissed the case and the petitioner appealed. Order of Dismissal printed in Appendix, A-7, A-9, A-17.

In reviewing this case, it must be remembered that the petitioner, because of the implants, has been in the peculiar position of being isolated in an electronic shell. Due to the monitoring which has been done by the Insurance Companies, I. T. & T. and by innumerable other groups and organizations, she has been deliberately prevented from gaining information which would enable her to secure relief. No one would interpret x-rays and all the information the petitioner had at the time of the hearing were bits and pieces of information dropped by well-meaning people, and a firm belief in her own practical common sense.

In the District Court the petitioner relied exclusively upon the First and Fourth Amendments, Title 28 — Section 1331 (a) and the statement found in Volume 32 of American Jurisprudence 2d:

"Thus, if the plaintiff so states a cause of action based upon the Federal Constitution, laws or treaties, federal jurisdiction cannot be defeated by an answer denying the merits of the claim."

However, the question that the petitioner asked the Court at the Hearing held on April 10, 1974 "if an electronic network running from her person to other parts of the country would establish federal jurisdiction," should have alerted Judge Mahon, (assuming he had no other way of knowing) of Federal Communication and Common Carrier violations. Pertinent part

of the Hearing printed in Appendix A-18, 19. That question coupled with the x-rays which the plaintiff could not read, but had turned in as evidence certainly were sufficient to establish federal jurisdiction. Simply summed up, the petitioner was counting on "Justice" to overcome the power block of the insurance companies, electronic firms, communication networks and the expertise of the opposing counsels. The very fact that justice was thwarted in the original action should be sufficient for the Writ to Issue.

#### **History of Brown v. Baylor, et al., in the Court of Appeals No. 74-2535**

In the Court of Appeals for the Fifth Circuit, although the Petitioner relied upon Title III of the Omnibus Crime Control and Safe Street Acts of 1968 — Section 2511, and on Title 42 — Section 1983 U.S.C. as well as upon the First, Fourth and Thirteenth Amendment to the United States Constitution, the Appeals Court affirmed the decision of the District Court. Printed in Appendix A-21.

Although it is impossible for the petitioner to know the reasons back of the decision of the Fifth Circuit, it might be presumed that because she filed the dental x-rays as exhibits they thought she knew of the dental implants, or that because they knew of the presence of I. T. & T. they assumed that the petitioner did. Or it may be they simply did not want to expose all those who have monitored the petitioner illegally over the years.

On the contrary, the petitioner knew of none of the aforementioned facts. The dental x-rays were submitted because of

the metal they showed and to counteract any claim that Scott & White might make as to mental aberration. By the same token, while the petitioner knew as a matter of deduction the electronic devices would have to utilize some form of communication, either watt lines, radio, I. T. & T. or other telecommunications, she had no knowledge of which one. It was this specific question that the interrogatories filed in the district court were designed to answer.

**Petition for a Writ of Certiorari in the Supreme Court  
of the United States  
Brown versus Baylor, et al.**

Following the Order of Dismissal of the Court of Appeals for the Fifth Circuit, a Petition for a Writ of Certiorari was filed by the Petitioner. This action was taken as a matter of principle and as a protest against the unethical enormity of the situation. Certiorari was denied. Notice has been misplaced Jan. 13, 1975.

**History of the Motion for Rehearing in the matter of  
Brown v. Baylor, et al., in the District Court 1975**

On May 28, 1975 within the year permitted by the Federal Rule of Civil Procedure 60 (b) the petitioner filed a motion for a Rehearing and an Injunction in the case of Brown vs. Baylor, et al., and a request that the three cases be enjoined as one.

This motion was filed on the grounds of fraud and of new evidence. The evidence consisting of an electronic device in a front tooth (picture of the tooth submitted to the District Court) and an examination of the dental x-rays with a magnifying glass which revealed a minute loop at the top of the metal rod

inserted in the gums. (x-rays submitted to the District Court) It is the plaintiff's contention that this loop serves as a connecting device with the implants in her skull and with the electronic equipment in the right side of her head.

Also incorporated in the motion and its accompanying affidavit was a charge of fraud against the Attorneys for the defendants for deliberately concealing the existence of I. T. & T. at the original hearing in an effort to defeat the jurisdiction of the federal court.

On May 28, 1974 a motion was also filed requesting permission to add the two dentists Dr. J. E. Myer and Dr. J. Hobson Crook who were responsible for the dental implants, to the original action as the complaint against all five defendants were the same.

**Separate complaints filed against Dr. J. Hobson Crook and Dr. J. E. Myers — CA 4-75-204 and CA 4-75-205 Fort Worth #'s**

On July 2, 1975 the petitioner, having heard nothing from the Court on permission to add the aforementioned defendants, filed separate complaints against each of them basing the complaint on a violation of constitutional rights, namely violations of the First, Fourth and Thirteenth Amendments, Title III of the Omnibus Crime Control and Safe Streets Act of 1968, Title 42 — Section 1983 U.S.C. — Title 28 — Section 1331 (a) U.S.C.

The only substantial difference in the two complaints was a matter as to when the implantation had been made. The petitioner believes Dr. Myer's implantation goes back to 1953-54 with further additions made in 1965. Dr. Crook's implantation



dates back to 1968. Both dentists have the same liability insurance carrier, the Medical Protective Insurance Company.

Once again we come to the question of written interrogatories. The petitioner filed written interrogatories to be asked of each dentist carefully designed to bring out the motivating factor behind the implants. Despite the exhibits filed with the Court both Doctors claimed in their reply that they couldn't remember facts necessary to affirm or deny the allegations of the petitioner. The petitioner filed a motion to suppress the depositions and the court did nothing.

**Three separate complaints filed against I. T. & T. in connection with the foregoing actions with accompanying motions that the corporation be enjoined as a defendant in the cases.**

On August 29, 1975 the petitioner filed three separate complaints against I. T. & T. World Communication Corporation requesting by motion that it be enjoined as a defendant and as an indispensable party to the actions of Brown v. Baylor, et al — Brown v. Myers and Brown v. Crook. Despite the fact that a summons and a Marshall's form accompanied each complaint neither the District Clerk or Judge Mahon made any effort to see the complaints were served.

#### **Reasons for Granting the Writ**

Throughout this unnecessarily long and protracted procedure, the petitioner has been treated like a first class imbecile by the District Court. Aside from the first hearing on April 10, 1974, which lasted at the most forty-five minutes, no effort has been made to hold another hearing. And if a three judge court has at any time been convened as required by Sections 2281 and

2284 28 U.S.C. when constitutional questions are involved, the petitioner has been unaware of it and has not been permitted to be present or to speak in her own behalf.

So much time has elapsed since the inception of the electronic implants beginning in 1953-54 until the time when the petitioner first had reason to suspect the presence of a transmitter. And still more time while she sought medical help, or proof and legal aid, that every conceivable harassment in various forms has been inflicted upon her. These range from being injected with a substance which she believes is designed to keep the electrodes active so that her thinking can continue to be monitored (see excerpt from the records of an eye doctor taken in a deposition) printed in Appendix A-22 to surreptitious pictures taken of a disordered apartment during times of stress or pressure.

The petitioner never has been able to understand just what the pictures are supposed to prove outside of another instance of invasion of privacy. In as much as she is supporting herself it is really no concern of anyone's what her apartment looks like. The majority of the time her surroundings are fairly neat and presentable.

The petitioner mentions this in the application for a Writ as being supporting evidence of the need for an injunction against the continual surveillance, monitoring and harassment.

In regard to the Orders of Dismissal all of the items mentioned as being reasons for dismissal handed down by the District Court for lack of jurisdiction, could be substantiated and used as reasons to invoke federal jurisdiction if the peti-

tioner had been given an opportunity to secure the needed evidence by means of depositions.

The continual harassment, of course, is to establish "probable cause" as a defense against the charges of constitutional violations.

During the years since the petitioner has been aware of the presence of the electronic devices, she has heard through rumor and innuendo of at least ten different groups, organizations, individuals and governmental agencies and departments supposedly behind the electronic implantations. Some of the rumors may have some basis in fact and others just an attempt to divert the petitioner from the persons who committed the act.

In as much as the entire situation is illegal and in as much as she has paid personally and promptly over the years for any known medical and dental services rendered, the Petitioner's complaint lies against the defendant for the original violation and the continuing violation of federal laws and statutes.

The petitioner is not interested in following such will-o-the-wisps and filing law suits; she is interested only in securing relief for herself and establishing the unconstitutionality of such acts so that no one else will be forced to undergo the ordeal to which she has been subjected. Then and only then, will the experience be justified.

Regardless of who may be alleged to be a motivating factor, surely the independent function of the judiciary, in this case taking the form of a District Court, should not be permitted to stand in the way of simple justice. This application is being

submitted within the thirty day limit from Date of Dismissal proscribed by Supreme Court Rule 11 (2) so that all of the Statutes relied upon may be considered by the Court.

### CONCLUSION

Wherefore, Petitioner prays:

1. That a writ of mandamus issue from this Court directly to the Honorable United States District Court for the Northern District of Texas and particularly the Honorable Judge Eldon B. Mahon, District Judge of said Court to show cause why mandamus should not issue from the Court directing it to vacate its three orders of dismissal of Petitioner's action and remand the cause to said United States District Court for the Northern District of Texas to proceed to trial on the merits of the action.
2. That Petitioner have such additional relief and process as may be necessary and appropriate in the premises.

Respectfully submitted,

FRANCES HILLIARD BROWN,  
*Petitioning in her own behalf,*  
3248 Chapel Creek, #108,  
Dallas, Texas 75220.

Dated .....

**CERTIFICATE OF SERVICE**

I hereby certify that three copies of this Application to the United States Supreme Court for a Writ of Mandamus have been sent to the following by certified United States Mail:

The Honorable Judge Eldon B. Mahon  
United States District Court for the  
Northern District of Texas  
United States Courthouse  
Fort Worth, Texas

Mr. Joseph McElroy, Jr.  
United States District Clerk  
Federal Courthouse  
1100 Commerce Street  
Dallas, Texas 75202

Mr. James H. Holmes, III  
Attorney for Baylor University Medical Center at Dallas  
1500 Fidelity Union Life Building  
Dallas, Texas 75201

Mr. C. A. Searcy Miller  
Attorney for Baylor School of Medicine-Neurological  
Research Division at Houston, Texas  
3100 Fidelity Union Tower  
Dallas, Texas 75201

Mr. Ralph Hartman  
Attorney for Scott & White Clinic w/ Dr. R. K. Gaines  
at Temple, Texas  
4300 First National Bank Building  
Dallas, Texas 75202

Mr. Richard E. Gray  
Attorney for Dr. J. E. Myers and Dr. J. Hobson Crook  
Republic National Bank Building  
Dallas, Texas 75201

Frances Hilliard Brown

# APPENDIX

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**Constitutional Amendments and Statutes Relied On**  
**PERTINENT TEXT OF THE CONSTITUTIONAL AND**  
**STATUTORY PROVISIONS INVOLVED**

**First Amendment**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or *abridging the freedom of speech*, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**Fourth Amendment**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Thirteenth Amendment**

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Title III of the Omnibus Crime Control and Safe Streets**  
**Act of 1968 — Section 2511 — Pertinent part thereof**

Section 2511 provides that anyone who attempts or willfully uses wiretapping or other electronic devices to intercept any wire or oral communication is guilty of violating the Act when:  
(1) the device used is connected or otherwise transmits a signal

through material used in wire communications or (2) the device used transmits communications by radio or interfere with these transmissions.

**Title 42 — Section 1983 U.S.C.**

Every person who under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

**Title 28 — Section 1331 (a)**

The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of \$10,000 exclusive of interests and costs and arises under the Constitution, laws or treaties of the United States.

**§ 207. Recovery of damages**

Any person claiming to be damaged by any common carrier subject to the provisions of this chapter may either make complaint to the Commission as hereinafter provided for, or may bring suit for the recovery of the damages for which such common carrier may be liable under the provisions of this chapter, in any district court of the United States of competent jurisdiction; but such person shall not have the right to pursue both such remedies. June 19, 1934, c. 452, Title II, § 207, 48 Stat. 1073.

**§ 605. Unauthorized publication or use of communications**

No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: *Provided*, That this section shall not apply to the receiving, divulging, publish-

ing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress. June 19, 1934, c. 6502, Title VI, § 605, 48 Stat. 1103.

§ 1651. Writs

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction. June 25, 1948, c. 646, 62 Stat. 944; May 24, 1949, c. 139, § 90, 63 Stat. 102.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

---

CIVIL ACTION NO. CA 4-75-204

---

FRANCES HILLIARD BROWN

VS.

DR. J. HOBSON CROOK

---

ORDER OF DISMISSAL

There is now pending before this Court Defendant's Motion to Dismiss, Plaintiff's Motions to Join Defendant as a Necessary Party and to Stay the Request for Dismissal, and various memoranda by both parties concerning these motions.

On May 28, 1974, after conducting a hearing into the matter, this Court entered an Order of Dismissal for lack of jurisdiction in *Brown v. Baylor Univ. Medical Center* (No. CA 3-74-115-E). The dismissal was affirmed on appeal to the Fifth Circuit. 502 F. 2d 783 (5th Cir. 1974). On November 19, 1975, this Court denied Plaintiff's Motion for Rehearing and again dismissed for lack of jurisdiction in *Brown v. Baylor Univ. Medical Center*.

In this cause of action, Plaintiff alleges exactly the same legal and factual grounds for recovery as she did in *Brown v. Baylor Univ. Medical Center*. Plaintiff, herself, admits in her own motions that the causes of action are identical: "The cause of action for all five defendants [three named in CA 3-74-115-E



and one each named in CA 4-75-204 and CA 4-75-205] is the same." Motion to Stay Request for Dismissal of Plaintiff, Frances Hilliard Brown, at 6 (pages unnumbered) (August 13, 1975). Therefore, the Court is of the opinion that this cause of action is barred by *res judicata* and collateral estoppel. See 1B Moore's Federal Practice ¶ 405[1]; Note, 87 Harvard L. Rev. 1485 (1974).

Additionally, this Court finds that it lacks jurisdiction in this cause of action for exactly the same reasons that it lacked jurisdiction in CA 3-74-115-E (copy of the Order of Dismissal in CA 3-74-115-E attached). Plaintiff's claims of violations of constitutional rights do not rise to a level recognizable under 28 U.S.C. § 1331; there is no claim of action under color of state law, so this cause of action cannot be brought under 42 U.S.C. § 1983 and 28 U.S.C. § 1343; and neither the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. § 2511, nor any of the common carrier regulations of Title 47 of the United States Code create a civil cause of action or basis for liability in a suit such as this.

Accordingly, the Court ORDERS that this action be dismissed as barred by *res judicata* and collateral estoppel, and for lack of subject matter jurisdiction. The Court further ORDERS that all other motions filed in this action are now mooted and hereby denied.

Entered this 21st day of November, 1975.

ELDON B. MAHON  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CIVIL ACTION NO. CA 4-75-205

FRANCES HILLIARD BROWN

VS.

DR. J. E. MYERS

ORDER OF DISMISSAL

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In this cause of action, Plaintiff alleges exactly the same legal and factual grounds for recovery as she did in *Brown v. Baylor Univ. Medical Center*. Plaintiff, herself, admits in her own motions that the causes of action are identical: "The cause of action for all five defendants [three named in CA 3-74-115-E



and one each named in CA 4-75-204 and CA 4-75-205] is the same." Motion to Stay Request for Dismissal of Plaintiff, Frances Hilliard Brown, at 6 (pages unnumbered) (August 13, 1975). Therefore, the Court is of the opinion that this cause of action is barred by *res judicata* and collateral estoppel. See 1B Moore's Federal Practice ¶ 405[1]; Note, 87 Harvard L. Rev. 1485 (1974).

Additionally, this Court finds that it lacks jurisdiction in this cause of action for exactly the same reasons that it lacked jurisdiction in CA 3-74-115-E (copy of the Order of Dismissal in CA 3-74-115-E attached). Plaintiff's claims of violations of constitutional rights do not rise to a level recognizable under 28 U.S.C. § 1331; there is no claim of action under color of state law, so this cause of action cannot be brought under 42 U.S.C. § 1983 and 28 U.S.C. § 1343; and neither the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. § 2511, nor any of the common carrier regulations of Title 47 of the United States Code create a civil cause of action or basis for liability in a suit such as this.

Accordingly, the Court ORDERS that this action be dismissed as barred by *res judicata* and collateral estoppel, and for lack of subject matter jurisdiction. The Court further ORDERS that all other motions filed in this action are now mooted and hereby denied.

Entered this 21st day of November, 1975.

ELDON B. MAHON  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CIVIL ACTION NO. CA 3-74-115-E

FRANCES HILLIARD BROWN

VS.

BAYLOR UNIVERSITY MEDICAL CENTER  
AT DALLAS, ET AL.

ORDER OF DISMISSAL

There is now pending before this Court Plaintiff's Motion for Rehearing and Injunction, for Permission to Drop and Add Defendants, to Stay the Requests for Dismissal, and to Join Defendant as Necessary Party, affidavits of Plaintiff supporting her motions, and various memoranda and replies by both Plaintiff and Defendants concerning these motions.

On May 28, 1974, after conducting a hearing into the matter, the Court entered an Order of Dismissal of this cause for lack of jurisdiction. This Court's dismissal was affirmed on appeal to the Fifth Circuit. 502 F. 2d 783 (5th Cir. 1974).

Plaintiff now asserts that she has substantial new evidence that would change this Court's finding on jurisdiction. On inspection, however, Plaintiff's "evidence" turns out to be mere speculations based on unwarranted assumptions. Plaintiff now claims that because the Hartford Insurance Company underwrote one of the defendants, International Telephone and Telegraph Company is involved in a conspiracy with Defendants

to operate a world-wide electronic surveillance system. This sheer speculation is not sufficient to cause this Court to reopen a closed case.

Even assuming that Plaintiff did have substantial new evidence supporting her allegations, this Court would still have to dismiss this action for lack of jurisdiction.

Construing Plaintiff's pleadings and memoranda as liberally as possible, Plaintiff bases her action on the First, Fourth, and Thirteenth Amendments of the Constitution, 42 U.S.C. § 1983, 18 U.S.C. § 2511, and the common carrier regulations of Title 47 of the United States Code, and bases jurisdiction on 28 U.S.C. §§ 1331 & 1343.

Considering first Plaintiff's claims of violations of constitutional rights, we note that Plaintiff's new allegations add no jurisdictional basis to her original suit. In the Court's earlier Order of Dismissal, it was implicitly held that Plaintiff's claims of violations of constitutional rights based on implantation of electronic devices did not rise to a level recognizable under 28 U.S.C. § 1331.

The guidelines for measuring Plaintiff's contention are established by *Gully v. First National Bank*, 299 U.S. 109, 112-113, 57 S.Ct. 96, 97, 81 L.Ed. 70 (1936):

1. A right or immunity created by the Constitution or laws of the United States must be an essential element of the Plaintiff's cause of action;
2. The right or immunity must be such that it will be supported if the Constitution or laws of the United States are given one construction or effect, and defeated if they receive another; and
3. A genuine and present controversy, not merely a possible or conjectural one, must exist with reference thereto.

The mere assertion that the action is now broader in scope does not raise an otherwise insufficient claim to one sufficient for purposes of federal question jurisdiction under 28 U.S.C. § 1331. This is still a tort action which can be adequately determined by state law, and which belongs in state court.

No cause of action lies under 42 U.S.C. § 1983, as that statute requires a deprivation of constitutional rights under color of state law. Here there is no allegation that any of the activity complained of occurred under color of state law. Indeed, state statutes, regulations, customs, and usages are in no way involved in this litigation. Unless a cause of action arises under 42 U.S.C. § 1983, jurisdiction under 28 U.S.C. § 1343 is not available.

Finally, no cause of action lies under Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. § 2511. That statute creates only criminal liability for violation of the Act, and in no way gives rise to a civil cause of action. Similarly, none of the common carrier regulations of Title 47 of the United States Code create a civil cause of action or basis for liability in a suit such as this.

(Therefore, the Court finds that despite Plaintiff's allegations, this Court still lacks jurisdiction.)

Accordingly, the Court ORDERS that Plaintiff's Motion for Rehearing and Injunction is hereby denied, and that all other motions filed in this action are now mooted and hereby denied. The Court further ORDERS that this action be dismissed for lack of jurisdiction.

Entered this 19th day of November, 1975.

ELDON B. MAHON  
United States District Judge

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UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

Office of the Clerk

September 22, 1975

Ms. Frances Hilliard Brown  
3248 Chapel Creek  
Apartment 108  
Dallas, Texas 75220

No. 74-2535 — Brown v. Baylor University Medical  
Center at Dallas, Et Al.

\* \* \*

Dear Ms. Brown:

Receipt is acknowledged of your letter of September 10, 1975, together with your motion to stay the running of the statute of limitations, etc.

We have been directed by the Court to return this document to you with the advice that this appeal was decided on September 27, 1974, and the motion cannot be accepted for filing in connection with that closed case.

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By RICHARD E. WINDHORST, JR.  
Chief, Judicial Support Division

REW,JR:lgg  
Enclosure

cc: I. T. & T. — World Communications Corp.  
Mr. James H. Holmes, III  
Mr. C. A. Searcy Miller  
Mr. Ralph Hartman  
Mr. Richard E. Gray

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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NO. S74-2535

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FRANCES HILLIARD BROWN, Plaintiff-Appellant,

v.

BAYLOR UNIVERSITY MEDICAL CENTER  
AT DALLAS, et al., Defendants-Appellees,

Dallas Division Civil Action No. CA 3-74-115-E

and

FRANCES HILLIARD BROWN, Plaintiff,

v.

DR. J. HOBSON CROOK, Defendant,

and

DR. J. E. MYERS, Defendant.  
Fort Worth Division Civil Action Nos.

CA 4-75-204 and CA 4-75-205

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MOTION TO STAY THE RUNNING OF THE STATUTE  
OF LIMITATIONS IN THE EVENT OF FURTHER  
ACTION IN THE COURT OF APPEALS

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I

Comes now the Appellant in the above numbered Case which was dismissed by the Fifth Circuit Court of Appeals on September 27, 1974 (Per Curiam: Affirmed), and pursuant to the Fifth Circuit Local Rule 10 (1) respectfully asks the Court to



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consider the above Motion in regard to a case not yet under submission.

## II

The Case of the Appellant versus Baylor, et al., came down to the Court on Appeal as a Jurisdictional Issue. However, it wasn't until the Appellees' Brief was filed with the Court that the Appellant became aware of the presence of the Hartford Insurance Company and the consequent possibility of an I. T. & T. involvement.

## III

On May 29 of this year, the Appellant filed a "Motion for a Rehearing in the Northern District of Texas-Dallas Division under Rule 60 FRCP. The Motion was filed on the basis of fraud and new evidence claiming that if the full facts had been made available to the Plaintiff by the Attorneys for the Defendants, not only would there have been no question as to Jurisdiction, but an Appeal would not have been necessary, and the Case could have been heard in Dallas on its merits.

## IV

At that time the Plaintiff also sought to have two dentists, Dr. J. Hobson Crook and Dr. J. E. Myers, enjoined as defendants, as it wasn't until December of 1974 the Plaintiff had enough proof to make an allegation regarding the dental electronic implants.

## V

On August 29, 1975, the Plaintiff filed a Complaint against

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International Telephone and Telegraph — World Communications Corporation as well as a Motion seeking to have the Corporation enjoined as an indispensable party. Due to an overloaded Docket in the Court, none of the cases have come up for hearing. Neither has the Complaint and Summons against I. T. & T. been issued. Because it was in the Court of Appeals that the possible presence of I. T. & T. first became known to the Appellant, the one year statute of limitations pertaining to I. T. & T. as a common carrier might apply.

## VI

For the above reasons, the plaintiff is respectfully asking that the Statute of Limitations be stayed on I. T. & T. in the above numbered cases until a final disposition is made.

Respectfully submitted,

FRANCES HILLIARD BROWN

September 11, 1975



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**CERTIFICATE OF SERVICE**

This will certify that copies of the foregoing Motion have been mailed to the following:

I. T. & T.-World Communications Corporation  
c/o The C. T. Corportaion  
Republic National Bank Building  
Dallas, Texas

Mr. James H. Holmes, III, Attorney for Baylor-Dallas  
1500 Fidelity Union Life Bldg.  
Dallas, Texas 75201

Mr. C. A. Searcy Miller, Attorney for Baylor-Houston  
3100 Fidelity Union Tower  
Dallas, Texas 75201

Mr. Ralph Hartman, Attorney for Scott & White  
4300 First National Bank Bldg.  
Dallas, Texas 75202

Mr. Richard E. Gray, Attorney for  
Dr. J. Hobson Crook and Dr. J. E. Myers  
2300 Republic Nat'l Bank Bldg.  
Dallas, Texas 75201

Signed: FRANCES HILLIARD BROWN

Dated: September 11, 1975

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

**DALLAS DIVISION**

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**CIVIL ACTION NO. CA 3-74-115-E**

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**FRANCES HILLIARD BROWN**

**VS.**

**BAYLOR UNIVERSITY MEDICAL CENTER, ET AL.**

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**ORDER OF DISMISSAL**

Came on to be heard on March 28, 1974, the motions to dismiss of defendants Baylor School of Medicine Neurological Research Division, Houston, Texas; Baylor University Medical Center; and Scott & White Clinic.

Having heard and considered the motions, briefs, arguments, and authorities cited, the Court concludes that it lacks jurisdiction of this matter. Accordingly, the respective motions of all parties defendant are hereby granted and this cause is dismissed.

It is so ORDERED.

Entered this 24th day of May, 1974.

**ELDON B. MAHON**

United States District Judge

EXCERPT FROM HEARING HELD IN  
JUDGE'S CHAMBER APRIL 10, 1974

U. S. District Court, No. District of Texas  
Dallas Division

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Of course, we're not having any kind of hearing on factual matters. We're having a hearing only on jurisdiction to see whether or not there is —

MS. BROWN:

All right.

THE COURT:

Whether or not there is any basis for a case of this kind even being in the Federal Court System. I mean, that's all we're concerned with at this point.

I mean, as to actual factual matters we're not — that's not what this — now, if it's a factual matter that relates to jurisdiction then of course I would entertain it, but of course that usually relates to residences of the parties, things of this kind. I mean, if there is a dispute with that, but as I understand, there is no dispute here on the diversity of citizenship or —

(11)MS. BROWN:

Well, let me ask you —

THE COURT:

Under that issue, the only issue is whether or not the pleadings have set forth, as I understand now, something can be brought as a federal question under the Constitution and of course diversity of citizenship is completely out of the picture, as I see it.

MS. BROWN:

Let me ask you this, your Honor, if it can be established that communications have run from my head to other parts of the country would that have any effect on it?

THE COURT:

No, I don't think so. This is — you're talking about the lawyers talking about something technical, you're kind of technical to the Judge too. I don't know whether anything could be so devised or not. I mean — but I don't think that would have any —

MS. BROWN

And one reason I think that I haven't been able to get any legal help is the hook-ups go to almost every attorney in the city of Dallas. Of course, I would have to prove that.

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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NO. S74-2535  
Summary Calendar\*

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FRANCES HILLIARD BROWN, Plaintiff-Appellant,  
v.

BAYLOR UNIVERSITY MEDICAL CENTER  
AT DALLAS, TEXAS et al, Defendants-Appellees.

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Appeal from the United States District Court for the  
Northern District of Texas  
(September 27, 1974)

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BEFORE GEWIN, GODBOLD and CLARK, Circuit Judges.

PER CURIAM: AFFIRMED. See Local Rule 21.<sup>1</sup>

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\*Rule 18, 5 Cir., Isbell Enterprises, Inc. v. Citizens Casualty Company  
of New York, et al., 5 Cir., 1970, 431 F. 2d 409, Part I.

<sup>1</sup>See N.L.R.B. v. Amalgamated Clothing Workers of America, 5 Cir.,  
1970, 430 F. 2d 966.

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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October Term, 1973

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NO. 74-2535  
Summary Calendar

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D. C. Docket No. CA 3-74-115-E

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FRANCES HILLIARD BROWN, Plaintiff-Appellant,  
v.

BAYLOR UNIVERSITY MEDICAL CENTER  
AT DALLAS, TEXAS, et al., Defendants-Appellees.

---

Appeal from the United States District Court for the  
Northern District of Texas

---

Before GEWIN, GODBOLD and CLARK, Circuit Judges.

J U D G M E N T

This cause came on to be heard on the transcript of the  
record from the United States District Court for the Northern  
District of Texas, and was taken under submission by the Court  
upon the record and briefs on file, pursuant to Rule 18;

ON CONSIDERATION WHEREOF, It is now here ordered  
and adjudged by this Court that the judgment of the said  
District Court in this cause be, and the same is hereby, affirmed;

It is further ordered that plaintiff-appellant pay to defendants-

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appellees, the costs on appeal to be taxed by the Clerk of this Court.

September 27, 1974

Issued as Mandate:

STATE OF TEXAS     )  
COUNTY OF DALLAS    )

I, GAYLIA JORDAN, a Notary Public in and for Dallas, County, Texas, do hereby certify that the facts as stated in the caption hereto are true and that the foregoing answers of the witness, DR. JOHN LIPPAS, were by the said witness made before me and were sworn to and subscribed by the said witness before me.

GIVEN UNDER MY HAND AND SEAL OF OFFICE  
on this the ..... day of September, A. D., 1975.

GAYLIA JORDAN, NOTARY PUBLIC  
IN AND FOR DALLAS COUNTY, TEXAS

Name, Brown, Miss Frances H., Address, Stoneleigh Towers,  
2927 Maple, Issued by Self. Diagnosis, October 5, 1973 Der-  
matitis Factitia, both forearms 2/10/74 Pingueculum O.D.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

FRANCES HILLIARD BROWN  
3248 Chapel Creek Dr. #108  
Dallas, Texas 75220                      Plaintiff      CA 3-74-115-E

v.

BAYLOR UNIVERSITY MEDICAL  
CENTER AT DALLAS

BAYLOR SCHOOL OF MEDICINE  
NEUROLOGICAL DIVISION  
AT HOUSTON, TEXAS

SCOTT & WHITE CLINIC  
c/o DR. R. K. GAINES  
TEMPLE, TEXAS                      Defendants

Cause of Action: Infringement upon the Constitutional Rights  
of the Plaintiff

MOTION TO JOIN DEFENDANT AS A NECESSARY  
PARTY TO ABOVE ACTION

Comes now the Plaintiff in the above entitled action and respectfully moves the Court to accept the attached complaint against International Telephone and Telegraph Corporation—World Communications Division. This request is made in accordance with Rule 19(a) of the Federal Rules of Civil Procedure.

This complaint is filed against I. T. & T. as a necessary Party in the above action who through its subscribers has been guilty of infringing upon the Constitutional Rights of the Plaintiff



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as well as violating the Statutes of Title 47 U.S.C. governing Common Carriers (wire or radio communication) and Title III of the Omnibus Crime Control and Safe Streets Acts of 1968, 18 U.S.C. 2510 et seq.

Respectfully submitted,

Signed FRANCES HILLIARD BROWN

Dated Aug. 29, 1975

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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FRANCES HILLIARD BROWN

3248 Chapel Creek Dr. #108

Dallas, Texas 75220

Plaintiff

CA 3-74-115-E

v.

BAYLOR UNIVERSITY MEDICAL  
CENTER AT DALLAS

BAYLOR SCHOOL OF MEDICINE  
NEUROLOGICAL DIVISION  
AT HOUSTON, TEXAS

SCOTT & WHITE CLINIC

c/o DR. R. K. GAINES

TEMPLE, TEXAS

Defendants

ITT WORLD COMMUNICATIONS, INC.

c/o C. T. CORPORATION

Republic National Bank Bldg.

Dallas, Texas

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Cause of Action: Infringement upon the Constitutional Rights  
of the Plaintiff

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In filing this Complaint against the World Communications Division of International Telephone and Telegraph Corporation, the Plaintiff is not seeking to instigate a separate cause of action, but simply to show how ITT is inseparably linked to the massive violation of the Constitutional Rights of the Plaintiff. And how ITT in its complete disregard of Federal Communication Rules and the Omnibus Crime Control and Safe

Streets Act of 1968 has contributed to bringing the above numbered Action under Federal Jurisdiction.

### JURISDICTION

1. The Plaintiff alleges that at the Baylor Neurological Research Division in Houston either new electronic devices were installed in her brain, or devices were added to a system already in place which enabled her thought processes to be monitored and transmitted over a vast I.T.T. University Network throughout the United States and overseas. This was done completely without the knowledge or permission of the Plaintiff.

2. In so doing, Baylor School of Medicine and I.T.T. in its role as a common carrier were in violation of Title III of the Omnibus Crime Control and Safe Streets Act of 1968—Section 2511. This Section provides that anyone who attempts to intercept any wire or oral communication is guilty of violating the Act when:

"(1) the device used transmits communications or (2) the device used transmits communications by radio or interfere with these transmissions."

3. Among the "definitions" listed in Section 2510 of the Act are the following:

"oral communication" means *any oral communication* uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation"

"person" means any employee or agent of the United States or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust or *corporation*

4. It is plain to see from the above that I.T.T., Baylor and

4. It is plain to see from the above that I.T.&T., Baylor and the other defendants in the action are in violation of not only the above Act but of the right to freedom of speech and privacy guaranteed by the Constitution. Even if the plaintiff were a dangerous radical or violently insane, there would still be no excuse. There are other more conventional means for coping with such problems.

### LIMITATIONS

The Plaintiff did not know, and because of the electronic monitoring, had no way of finding out, the involvement of I.T.-&T. until the defendant's brief was filed in the Appeals Court. This brief showed that the Hartford Insurance Company was the liability carrier for Scott & White, which of course, suggested I.T.&T. as being at least one, if not both of the electronic systems implanted in the person of the Plaintiff.

The Plaintiff has reason to believe one system operates on private watt lines but to whom they belong and by whom, how, where or when they were installed, she has no idea. That she has been the victim of fraud and a massive conspiracy to hid the truth, there can be little doubt. It is for that reason that she has asked for a rehearing of this case, and that the "complaints" against I.T.&T. and the dentists, Dr. J. E. Myers and D. J. Hobson Crook be consolidated with Baylor and Scott and White rather than to have piecemeal litigation pending.

### HISTORY OF THE CASE

For the benefit of the Attorneys for I.T.&T.-World communication Division who may not be familiar with the cause of action Baylor University Medical Center at Dallas, Baylor

School of Medicine—Neurological Research Division at Houston and Scott & White Clinic—Dr. R. K. Gaines at Temple, Texas the plaintiff states the following:

1. Baylor University Medical Center at Dallas. (July, 1965) Plaintiff alleges that during a minor ear operation in 1965 an electronic device was inserted which enabled Baylor Hospital to tie into the dental system already installed.
2. Baylor School of Medicine—Neurological Research Div. at Houston, Texas (December 1970 — January 1971) Plaintiff alleges that further electrodes or transmitting devices were implanted which enabled her thinking to be monitored and that while there she was tied into a World Wide IT&T University System.
3. Scott & White Clinic (September 1971-October, 1971) Went in as a psychiatric patient to discover the location of what the plaintiff believed to be "A lone and single transmitter". After learning of the relationship of Scott & White to Hartford Insurance, a subsidiary of ITT, the Plaintiff is of the opinion that the attempt to transfer her to the State Mental Hospital was an attempt by ITT to conceal the World Wide Communication System and the plaintiff's use as a research subject.

#### REQUEST FOR AN INJUNCTION AGAINST HARASSMENT

The Plaintiff has currently pending before the Court a request for an Injunction against harassment. And this paragraph is simply to repeat the request. As seen from the foregoing, the electronic network is extensive, and the Plaintiff having lived with the situation sees no other solution but to ask the F.C.C. to screen out all radio and electronic signals reaching her. Organized crime has it's skilled technicians, and there is a certain element of society (mostly youngsters) to whom the

situation is simply a novelty. In as much as this electronic network is in violation of a good many of the Statutes governing Common Carriers—Wire or Radio Communication—Title 47 U.S.C., the Plaintiff is requesting that the Federal Communication Commission be asked by Court Order to provide the relief requested.

#### RECOMPENSE

Because of the improper use to which I.T.&T.-World Communications Division has lent it's system, the Plaintiff is asking that the Corporation share in the following restitution:

1. For someone to go over x-rays with her and explain what can or can't be done.
2. Salary retroactive to July 9, 1969 and until age 65 (1980).
3. Compensation for the amount the Plaintiff has spent in seeking relief in one form or another.
4. Whatever punitive damages the Court deems just.

Respectfully submitted,

Signed FRANCES HILLIARD BROWN

Dated Aug. 29, 1975

# CERTIFICATE OF SERVICE

This will certify that copies of the attached Complaint have been sent to the following:

Mr. James H. Holmes III, Attorney for Baylor-Dallas  
Fidelity Union Life Building — Dallas, Texas 75201

Mr. C. A. Searcy Miller, Attorney for Baylor-Houston  
3100 Fidelity Union Tower — Dallas, Texas 75201

Mr. Ralph E. Hartman, Attorney for Scott & White  
43rd Floor First National Bank Building —  
Dallas, Texas 75202

Mr. Richard E. Gary,  
2300 Republic National Bank Bldg.  
Dallas, Texas 75201  
Attorney for:  
Dr. J. Hobson Crook and Dr. J. E. Myers

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

FRANCES HILLIARD BROWN  
3248 Chapel Creek Dr. #108  
Dallas, Texas 75220

v.

DR. J. HOBSON CROOK  
Medical Arts Building  
Dallas, Texas

Civil Action Number  
CA 4-75-204

and

DR. J. E. MYERS  
2518 Welborn Street  
Dallas, Texas

Civil Action Number  
CA 4-75-205

Cause of Action: Infringement upon the Constitutional Rights  
of the Plaintiff

# MOTION TO JOIN DEFENDANT AS A NECESSARY PARTY TO ABOVE ACTIONS

Comes now the Plaintiff in the above entitled actions and respectfully moves the Court to accept the attached complaint against International Telephone and Telegraph Corporation—World Communications Division. This request is made in accordance with Rule 19(a) of the Federal Rules of Civil Procedure.

This complaint is filed against I.T.&T. as a necessary Party in either one or both of the actions against Dr. J. Hobson Crook and Dr. J. E. Myers, as being an integral part of the violations



committed against the Constitutional Rights of the Plaintiff. The Corporation not only did itself violate Title III of the Omnibus Crime Control and Safe Streets Acts of 1968 but enabled the defendants to do so.

Respectfully submitted,

Signed: FRANCES HILLIARD BROWN

Dated .....

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

FRANCES HILLIARD BROWN  
3248 Chapel Creek Dr. #108  
Dallas, Texas 75220

v.

DR. J. HOBSON CROOK  
Medical Arts Building  
Dallas, Texas

Civil Action Number  
CA 4-75-204

and

DR. J. E. MYERS  
2518 Welborn Street

Civil Action Number  
CA 4-75-205

ITT WORLD COMMUNICATIONS, INC.  
c/o C. T. CORPORATION  
Republic National Bank Bldg.  
Dallas, Texas

Cause of Action: Infringement upon the Constitutional Rights  
of the Plaintiff

For the benefit of the Attorneys for ITT-World Communications Division who may not be familiar with the above numbered civil actions, the Plaintiff is listing the dates when she alleges that electronic devices were implanted in her teeth and gums.

1953-54 Dr. J. E. Myers (complete dental repair work)

1965 Dr. J. E. Myers (repair work and upper partial)

1958 Dr. J. Hobson Crook (root canal work on front tooth)

Since it is an obvious fact that any transmitting devices which

were implanted would have to operate by way of an electronic communication system, the plaintiff is of the opinion that the implants done by Dr. Myers used ITT equipment. This belief is formulated through piecing together small occurrences and happenings which at the time didn't mean anything but taken as a whole added up to a rather complete story. Dr. Crook's device may or may not be tied into ITT Communications, the plaintiff simply does not know.

### JURISDICTION

The jurisdiction of the Federal Court is based on the following:

1. The right of freedom of speech and the right to privacy guaranteed by the First and Fourth Amendment of the U. S. Constitution. Also a possible violation of the Thirteenth.

2. Title III of the Omnibus Crime Control and Safe Streets Act of 1968 — Section 2511 (pertinent part thereof below).

Section 2511 provides that any one who attempts or willfully uses wiretapping or other electronic devices to intercept any wire or oral communication is guilty of violating the Act when: (1) the device used transmits communications by radio or interfere with these transmissions.

3. Title 42 — Section 1983 U.S.C. — Every person who under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

4. Any of the many regulations governing "common carriers" engaged in wire or radio communications found in Title 47 U.S.C.

5. Title 28 — Section 1331(a)—The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of \$10,000 exclusive of interests and costs and arises under the Constitution, laws or treaties of the United States.

### CAUSE OF ACTION

Because of the improper use to which ITT-World Communications Division has lent its system, the plaintiff has been subjected to an unbelievable amount of harassment and torment by persons unknown who have the ability to tie into the system directly, or simply intercept signals by use of radio. This illegal activity being apart from, or in addition to, the statutes and regulations violated by the implants themselves. Also, aside from the mental torment suffered, the Plaintiff is currently unable to wear dentures because of the expansion and contraction of her gums as she passes through various electronic fields.

### LIMITATIONS

Because of the fraudulent concealment which has occurred and the conspiracy of secrecy which has been evident at all levels of this so called electronic research project any statute of limitations which might be called into play simply wouldn't apply.

### RECOMPENSE

The Plaintiff is asking that all parties share in the following restitution:

1. For someone to go over x-rays with her and explain what can or can't be done.
2. Salary retroactive to July 9, 1969 and until age 65 (1980).
3. Compensation for the amount the Plaintiff has spent in seeking relief in one form or another.
4. Whatever punitive damages the Court deems just.

Respectfully submitted,

Signed: FRANCES HILLIARD BROWN

Dated .....